

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

Montana Historical Society Archives

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2015 Legislative

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BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION**

HOUSE JUDICIARY COMMITTEE

Date: Wednesday, February 18, 2015
Place: Capitol

Time: 8:00 AM
Room: 137

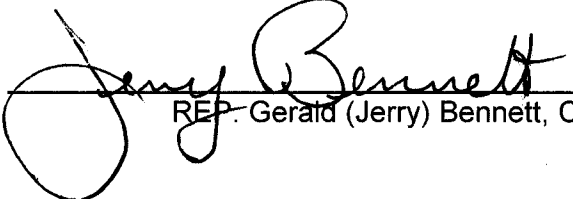
BILLS and RESOLUTIONS HEARD:

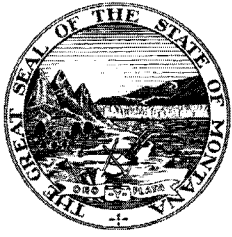
HB 457 - Constitutional referendum to revise concealed weapons law - Rep. Matthew Monforton
HB 474 - Require child sexual abuse and child sex trafficking prevention efforts - Rep. Jennifer Eck
HB 477 - Clarify offense of aiding or soliciting suicide - Rep. Gerald (Jerry) Bennett
HB 482 - Revise laws related to who must register as a sex offender - Rep. Chuck Hunter
HB 505 - Establish employee safe travel to work laws - Rep. Matthew Monforton
HB 535 - Revise mandatory minimum penalties for unlawful sexual conduct offenses - Rep. Kirk Wagoner

EXECUTIVE ACTION TAKEN:

HB 370 - Do pass
HB 405 - Tabled
HB 426 - Tabled
HB 436 - Do pass as amended
HB 447 - Do pass as amended
HB 448 - Do pass as amended

Comments:


REP. Gerald (Jerry) Bennett, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ALAN DOANE, VICE CHAIRMAN	X	
REP. VIRGINIA COURT, VICE CHAIR	X	
REP. KATHY KELKER	X	
REP. SETH BERGLEE	X	
REP. RANDALL PINOCCI	X	
REP. CLAYTON FISCUS	X	
REP. JENNY ECK	X	
REP. ZAC PERRY	X	
REP. MATTHEW MONFORTON	X	
REP. MARGIE MACDONALD	X	
REP. ELLIE BOLDMAN HILL	X	
REP. CAROLYN PEASE-LOPEZ	X	
REP. SARAH LASZLOFFY	X	
REP. THERESA MANZELLA	X	
REP. NATE MCCONNELL	X	
REP. STEPHANIE HESS		X
REP. G. BRUCE MEYERS	X	
REP. KIRK WAGONER	X	
REP. ANDREW PERSON	X	
REP. KEITH REGIER		X
REP. JERRY BENNETT, CHAIRMAN	X	

21 MEMBERS



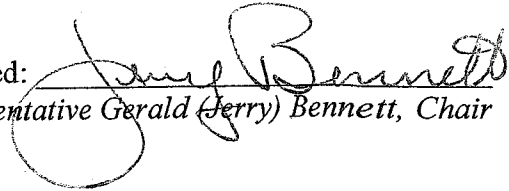
HOUSE STANDING COMMITTEE REPORT

February 18, 2015

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 436** (first reading copy -- white) **do pass as amended.**

Signed: 
Representative Gerald (Jerry) Bennett, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Strike: "AND"

Following: "72-38-1008,"

Insert: "AND 72-38-1013,"

2. Page 4.

Following: line 18

Insert: "Section 5. Section 72-38-1013, MCA, is amended to read:

"72-38-1013. Certification of trust. (1) Instead of furnishing a copy of the trust instrument to a person other than a beneficiary, the trustee may furnish to the person a certification of trust containing the following information:

(a) that the trust exists and the date the trust instrument was executed;

(b) the identity of the settlor;

(c) the identity and address of the currently acting trustee;

(d) the relevant powers of the trustee;

(e) the revocability or irrevocability of the trust and the identity of any person holding a power to revoke the trust; and

(f) the authority of cotrustees to sign or otherwise authenticate and whether all or less than all are required in order to exercise powers of the trustee; and

(g) if the governing law of the trust is not the law of Montana, the identity of the state whose laws govern the trust.

(2) A certification of trust may be signed or otherwise authenticated by any trustee. Upon request, the trustee shall

Committee Vote:

Yes 21, No 0

Fiscal Note Required ☐

HB0436001SC.hbb

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acknowledge the certification in order that the certification may be recorded.

(3) A certification of trust must state that the trust has not been revoked, modified, or amended in any manner that would cause the representations contained in the certification of trust to be incorrect.

(4) A certification of trust need not contain the dispositive terms of a trust.

(5) A recipient of a certification of trust may require the trustee to furnish copies of those excerpts from the original trust instrument and later amendments that designate the trustee and confer upon the trustee the power to act in the pending transaction.

(6) A person who acts in reliance upon a certification of trust without knowledge that the representations contained therein are incorrect is not liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certification. Knowledge of the terms of the trust may not be inferred solely from the fact that a copy of all or part of the trust instrument is held by the person relying upon the certification.

(7) A person who in good faith enters into a transaction in reliance upon a certification of trust may enforce the transaction against the trust property as if the representations contained in the certification were correct.

(8) A person making a demand for the trust instrument in addition to a certification of trust or excerpts is liable for damages if the court determines that the person did not act in good faith in demanding the trust instrument.

(9) This section does not limit the right of a person to obtain a copy of the trust instrument when required to be furnished by law or in a judicial proceeding concerning the trust.

(10) A certification under subsection (1)(g) may not be construed as constituting consent by any person receiving a certification of trust to the jurisdiction or application of laws of any state."

- END -



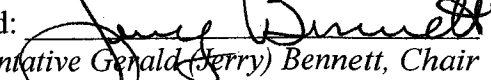
HOUSE STANDING COMMITTEE REPORT

February 18, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 447** (first reading copy -- white) do pass as amended.

Signed: 
Representative Gerald (Jerry) Bennett, Chair

And, that such amendments read:

1. Title, page 1, line 4.

Strike: "PETITIONER THAT"

Insert: "PERSON WHO"

2. Page 1, line 14.

Strike: "petitioner"

Insert: "person"

3. Page 1, line 16.

Strike: "petitioner"

Insert: "person alleging a deprivation of rights"

4. Page 1, line 17.

Strike: "petitioner's"

Insert: "person's"

- END -

Committee Vote:

Yes 17, No 4

Fiscal Note Required ☐

HB0447001SC.hbb

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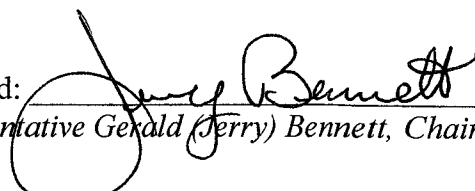
HOUSE STANDING COMMITTEE REPORT

February 18, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 448** (first reading copy -- white) do pass as amended.

Signed: 
Representative Gerald (Jerry) Bennett, Chair

And, that such amendments read:

1. Title, page 1, line 4.

Strike: "PLAINTIFF"

Insert: "PERSON"

2. Page 1, line 12.

Strike: "to plaintiff"

Strike: the second "plaintiff"

Insert: "person alleging a deprivation of rights"

3. Page 1, line 13.

Strike: "plaintiff's"

Insert: "person's"

- END -

Committee Vote:

Yes 17, No 4

Fiscal Note Required ☐

HB0448001SC.hbb

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2/18/15
12:40



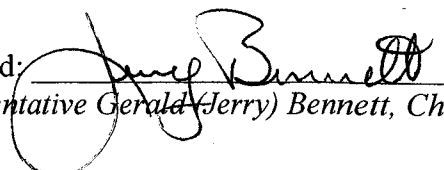
HOUSE STANDING COMMITTEE REPORT

February 18, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 370** (first reading copy -- white) do pass.

Signed: 
Representative Gerald (Jerry) Bennett, Chair

- END -

Committee Vote:

Yes 11, No 10

Fiscal Note Required X

HB0370001SC.hbb

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2/18/15
12:40

BILL TABLED NOTICE

HOUSE JUDICIARY COMMITTEE

The HOUSE JUDICIARY COMMITTEE TABLED

HB 405 - Revise laws regarding pre-nuptial agreements - Rep. Jeff Essmann

HB 426 - Revise attorney-client privilege laws providing a crime-fraud exception - Rep. Matthew Monforton

by motion, on **Wednesday, February 18, 2015** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

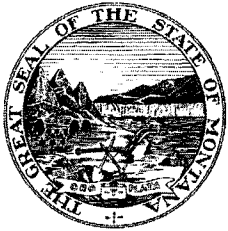

(For the Committee)


(For the Chief Clerk of the House)

3pm / 2/18/15
(Time) (Date)

February 18, 2015 (2:43pm) McKenzie Chambers, Secretary

Phone: 444-4846



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

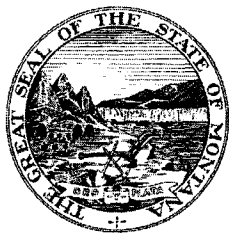
BILL NUMBER HB 370

DATE 2/18/15

MOTION Be Tabled

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS		X	
REP. JENNY ECK		X	
REP. ZAC PERRY		X	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		X
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

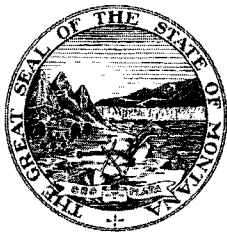
BILL NUMBER HB 448

DATE 2/18/15

MOTION Do Pass As Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR	X		
REP. KATHY KELKER	X		
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY	X		
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL	X		
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL	X		
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS	X		
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		X
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

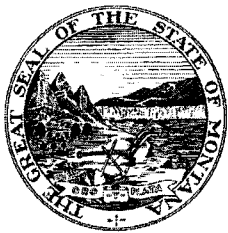
BILL NUMBER HB 447

DATE 2/18/15

MOTION Do Pass As Amended

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	✓		
REP. VIRGINIA COURT, VICE CHAIR	✓		
REP. KATHY KELKER	✓		
REP. SETH BERGLEE	✓		
REP. RANDALL PINOCCI	✓		
REP. CLAYTON FISCUS	✓		
REP. JENNY ECK		✓	
REP. ZAC PERRY	✓		
REP. MATTHEW MONFORTON	✓		
REP. MARGIE MACDONALD		✓	
REP. ELLIE BOLDMAN HILL	✓		
REP. CAROLYN PEASE-LOPEZ		✓	
REP. SARAH LASZLOFFY	✓		
REP. THERESA MANZELLA	✓		
REP. NATE MCCONNELL	✓		
REP. STEPHANIE HESS	✓		
REP. G. BRUCE MEYERS	✓		
REP. KIRK WAGONER	✓		
REP. ANDREW PERSON		✓	
REP. KEITH REGIER	✓		✓
REP. JERRY BENNETT, CHAIRMAN	✓		

21 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

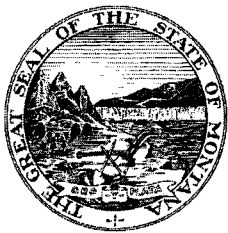
BILL NUMBER HB 426

DATE 2/18/15

MOTION Be Tabled

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR	X		
REP. KATHY KELKER	X		
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK	X		
REP. ZAC PERRY	X		
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD	X		
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ	X		
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL	X		
REP. STEPHANIE HESS	X		
REP. G. BRUCE MEYERS		X	
REP. KIRK WAGONER	X		
REP. ANDREW PERSON	X		
REP. KEITH REGIER		X	
REP. JERRY BENNETT, CHAIRMAN	X		

21 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL VOTE

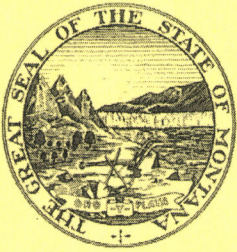
BILL NUMBER HB 370

DATE 2/18/15

MOTION Do Pass

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN		X	
REP. VIRGINIA COURT, VICE CHAIR	X		
REP. KATHY KELKER	X		
REP. SETH BERGLEE		X	
REP. RANDALL PINOCCI		X	
REP. CLAYTON FISCUS	X		
REP. JENNY ECK	X		
REP. ZAC PERRY	X		
REP. MATTHEW MONFORTON		X	
REP. MARGIE MACDONALD	X		
REP. ELLIE BOLDMAN HILL	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. SARAH LASZLOFFY		X	
REP. THERESA MANZELLA		X	
REP. NATE MCCONNELL	X		
REP. STEPHANIE HESS		X	
REP. G. BRUCE MEYERS	X		
REP. KIRK WAGONER		X	
REP. ANDREW PERSON	X		
REP. KEITH REGIER		X	X
REP. JERRY BENNETT, CHAIRMAN		X	

21 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the House Judiciary
Committee because of other commitments. I desire to leave my proxy vote with:

Alan Doane

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 447	✓				
HB 448	✓				
HB 04 4801.444	✓				
HB 370		✓			
HB 370 tabled	—				

Rep. Keith Beggs
(Signature)

Date 2-18-16

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 18, 2015

HB 457 - Constitutional referendum to revise concealed weapons law

Sponsor: **Rep. Matthew Monforton**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 18, 2015

HB 505 - Establish employee safe travel to work laws

Sponsor: **Rep. Matthew Monforton**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 18, 2015

HB 482 - Revise laws related to who must register as a sex offender

Sponsor: **Rep. Chuck Hunter**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 18, 2015

HB 535 - Revise mandatory minimum penalties for unlawful sexual conduct offenses

Sponsor: Rep. Kirk Wagoner

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 18, 2015

HB 477 - Clarify offense of aiding or soliciting suicide

Sponsor: Rep. Gerald (Jerry) Bennett

PLEASE PRINT

Name	Representing	Support	Oppose	Info
BRADLEY WILLIAMS	MAAS	✓		
Bobbie Hafer	Self	X		
David Hafer	Self	X		
Ted Fruesen	Self	X		
Nancy Marks	Self		X	
Hugh van Swearingen	Self		X	
Garnett Rope	Self	X		
Thomas Warr	Self	X		
Ken Waterman	Self		X	
MAREN KEENER	Self	Self	X ⁽¹²⁾	
BAR KIRKLAND	Self	Self	X ⁽¹²⁾	
DAVID COOPER	Self		X	
Margaret Dove	Self	✓		
ETHEL BYRNES	Self		X	
Chrissy Brand	Self		X	
Matt Brower	MT Catholic Conference	✓		
Amy Hefner	Compassion? Choices		X	
Mary Douglas	Self		X	
Harry Israel	Self		X	
Andy	Self		X	
Dana McCreedy	Self		X	
Doris Fischer	Self		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 18, 2015

HB 477 - Clarify offense of aiding or soliciting suicide

Sponsor: Rep. Gerald (Jerry) Bennett

PLEASE PRINT

Name	Representing	Support	Oppose	Info
R. Tummarello	self			X
Robert King	self		X	
Robert L. Tummarino	Self		X	
CLAY BAXTER	SELF		X	
Anne Baxter	SELF		X	
Leslie Baxter Matchler	self		X	
Jeff Lafferty	myself	X		
Jane L. Hammen	Self		X	
Jennifer Hensley	Compassion Choices		X	lobbyist
Shawna Gates	Compassion Choices		X	
Hail Bell	my Mother	X		
Emily Bentley	CEL		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

Wednesday, February 18, 2015

HB 474 - Require child sexual abuse and child sex trafficking prevention efforts

Sponsor: Rep. Jennifer Eck

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.